

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 23, 2007

**D050523      In re Patrick T., a Juvenile**

The appeal is dismissed. McConnell, P.J.; We Concur: Huffman, J., Haller, J.

**D048479      Dorsett v. Experience Hendrix LLC**

The judgment is reversed. The matter is remanded with directions to the trial court to vacate its orders granting Company's in limine motion to exclude expert opinions on the authenticity and value of the guitar and granting Company's motion for a nonsuit judgment and to issue new orders denying those motions and conduct further proceedings consistent with this opinion. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D048978      People v. Logan**

The judgment of the trial court is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

**D048421      J. Alvarez Construction, Inc. v. Western National Group L.P.**

The trial court's determination that Western National is liable on Alvarez's breach of contract claim is affirmed. The trial court's determination as to Alvarez's mechanics' lien claim is reversed. The trial court's awards of damages for contractual delays (\$93,672), lost profits (\$42,737), and unsigned change orders (\$8,199.15) are reversed. The trial court's damages award is affirmed in all other respects. The trial court's award of prejudgment interest is reversed in so far as the award includes interest on damages for contractual delays (\$93,672), lost profits (\$42,737), and unsigned change orders (\$8,199.15), and interest accruing between October 18, 2002 and June 28, 2004. The court's award of prejudgment interest is affirmed in all other respects. The trial court's award of costs must be reduced by \$18,073.69. The court's costs award is affirmed in all other respects. The matter is remanded to the trial court with directions to conduct further proceedings regarding Alvarez's mechanics' lien claim and to enter a new judgment in accordance with part III.A.3, *ante*. The trial court shall specify in its new judgment that Alvarez is entitled to recover against Western National damages in the amount of \$492,736.84, interest to be determined by the trial court in light of the our conclusions in part III.D, *ante*, and costs in the amount of \$12,769.95. Each party is to bear its own costs on appeal. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

**D049122      Busch v. Bradburn**

The order is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Aaron, J.

**D048932      People v. Lo**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 24, 2007

**D050607      In re Sledge on Habeas Corpus**

The petition is denied.

**D049741      Goldfarb et al. v. Allan et al.**

Order Affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

**D049987      People v. Falu**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D050609      Adoption of A.M., a Juvenile**

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**D048579      People v. Diblasi**

Affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Gilbert Nares  
Clerk: D. Moore

**D048371      Vasquez v. State of California**

Cause called on merits. Thomas Stuart Clifton, Esq. argued for appellant. Robert Berke, Esq. argued for respondent. Mr. Clifton replied. Cause submitted.

Court adjourned at 10:37 a.m.

**D051243      G.A.S. v. Superior Court of San Diego County/G.Y.S.**

Let a peremptory writ of mandate issue directing the superior court to vacate its order of July 11, 2007, permitting S. to travel to Jordan and directing mother to relinquish S.'s passport, and conduct further proceedings. The stay issued on July 12, 2007 is vacated. Mother is entitled to costs in the writ proceeding. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.264(b)(3).) McDonald, J.; We Concur: McConnell, P.J., Haller, J.

**D049285      People v. Cruz**

On the court's own motion rehearing is ordered in the above-entitled matter. The parties are to file within 30 days of the date of this order simultaneous letter briefs discussing the application to this case of the decision in *People v. Black* (July 19, 2007, S126182) \_\_\_ Cal. \_\_\_ [2007 D.A.R. 11041].

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 24, 2007 (Continued)

**D051071      In re Jarika J. et al. v. Superior Court of San Diego Count/San Diego County Health and Human Services Agency**

The attorney for petitioner Jarika J. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. Additionally, trial counsel for petitioner Jarika J. has not responded to this court's order of July 10, 2007, requiring a notice of intent filed by petitioner Jarika J. or a sufficient declaration by counsel explaining why the requirement should be waived. The case as to Jarika J. is DISMISSED.

**D050990      Raul V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 25, 2007

**D049691      People v. Fox**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D050737      In re Bell on Habeas Corpus**

The petition is denied.

**D050788      In re Hernandez on Habeas Corpus**

The petition is denied.

**D050246      In re Tomas G., a Juvenile**

The judgment and order of the court are affirmed. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.

**D050464      Wang et al. v. Wal-Mart Real Estate Business Trust et al.**

**D050465      Wang et al. v. Wal-Mart Real Estate Business Trust et al.**

(Consolidated) The orders granting the motions to strike and awarding attorney fees and costs are reversed with directions to enter new orders denying the motions, and to allow further appropriate proceedings in accordance with the views expressed in this opinion. Costs to appellants. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

**D048783      Williams v. Interinsurance Exchange of the Automobile Club**

Appeal dismissed. Each party to bear its own costs of appeal. Benke, Acting P.J.; McDonald, J., McIntyre, J.

**D050003      People v. White**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

**D049111      Torres et al. v. City of San Diego**

The appeal is dismissed to the extent it purports to appeal issues pertaining to the summary judgment. In all other respects, the June 23, 2006 order awarding attorney fees and costs is affirmed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

**D050801      In re Edmonson on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 26, 2007

**D049708      People v. Harris**

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D048938      Accredited Home Lenders, Inc. v. Nacif**

We affirm the court's order vacating the default judgment as to White-Sorenson and Grupo, and permitting Accredited to intervene in the action. We reverse the court's order vacating the entry of default as to White-Sorenson and Grupo. The parties to bear their own costs on appeal. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D047756      Smith v. Microskills San Diego LP**

Order affirmed. Respondent to recover his costs of appeal. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

**D048860      People v. Rankin**

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.

**D048253      People v. Jones**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.

**D050159      California Department of Corporations v. Superior Court of San Diego County/Adams et al.**

Let a peremptory writ of mandate issue directing the superior court to vacate its November 9, 2006 order overruling the DOC's demurrer to the first amended complaint, and enter a new order sustaining the demurer without leave to amend and dismissing the first amended complaint. (Code Civ. Proc., 430.10, subd. (e), 581, subd. (f)(1).) The stay issued by this court on January 31, 2007, is vacated. The parties are to bear their own costs in the writ proceeding. (Cal. Rules of Court, rule 8.490(m)(2).) CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D048297      Haley et al. v. Casa Del Rey Homeowners Association et al.**

The opinion filed on July 2, 2007, is ordered certified for publication.

**D049998      People v. Massiet**

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D051288      Lopez v. The Superior Court of Imperial County/People**

The petition is denied.

**D050002      People v. Collins**

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 26, 2007 (Continued)

**D050344      Bailey v. Superior Court of San Diego County/Board of Trustees of California State University**

Let a peremptory writ of mandate issue directing the superior court to vacate its December 8, 2006 order denying Bailey's *Pitchess* motion and directing the court to conduct an in camera review of Officer Duncan's personnel records. This decision will become final as to this court 10 days after the date of filing. (Cal. Rules of Court, rule 8.264(b)(3).)

**D050388      People v. Heddings**

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

**D050304      In re Phoenix H. et al., Juveniles**

The petition for rehearing is denied.

**D050304      In re Phoenix H. et al., Juveniles**

The request by Appellate Defenders, Inc., to file an amicus curiae letter is denied.

**D047824      Jameson v. Desta**

The petition for rehearing is denied.

It is ordered that the opinion filed herein on July 2, 2007, is modified as follows:

1. On page 20, the Disposition section is deleted and replaced with the following: The judgment is reversed. The matter is remanded to the trial court with directions to deny Dr. Desta's motion to dismiss and to set a time within which Dr. Desta must file a responsive pleading to Jameson's complaint. Jameson is awarded costs on appeal. This modification changes the judgment.

**D050260      Del Cerro Action Council et al. v. Board of Trustees of California State University**

Upon written stipulation filed by the parties to the appeal, the appeal as to City of San Diego and Redevelopment Agency of the City of San Diego, is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 27, 2007

**D050741      In re Dulay on Habeas Corpus**

The petition is denied.

**D049881      In re Justin V., a Juvenile**

The order denying L.F.'s section 388 petition and the judgment terminating parental rights are affirmed. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

**D049935      Cheu et al. v. CIF**

The respondents' motion to dismiss appeal and appellants' opposition thereto have been read and considered by Justices Haller, Huffman and McDonald. The appeal is dismissed as moot.

**D050740      In re Martin on Habeas Corpus**

The petition is denied.

**D050319      In re Morales on Habeas Corpus**

The petition is denied.

**D050351      In re Cody B., a Juvenile**

The jurisdictional and dispositional order is reversed. The case is remanded to the juvenile court with directions to make the proper inquiry under the ICWA, and to order the Agency to comply with the notice provisions of the ICWA if any Indian heritage is indicated. If no Indian heritage is indicated, or if it is indicated but after proper notice no tribe claims Cody is an Indian child, the jurisdictional and dispositional order shall be reinstated. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

**D050642      Milligan et al. v. Nicholson et al.**

An appeal cannot be taken from a judgment that does not dispose of all the causes of action between the parties even if the causes of action disposed of by the judgment have been ordered to be tried separately. (*Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 743.) Accordingly, the appeal is DISMISSED. Appellants' request that this court stay collection action by plaintiffs is DENIED without prejudice to the right to seek appropriate relief in the trial court.

**D050745      In re Ray C., a Juvenile**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.

**D050675      McKee v. Superior Court of San Diego County/People**

The petition is denied.